THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21619 of 2006

18.10.2006

Between:

Andhra Pradesh Techno Chem Industries represented by its Managing Partner – Mr.A.Venkateswara Reddy

… Petitioner

AND

The Joint Collector, Nalgonda District
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

The petitioner is a firm engaged in manufacturing of chemicals. The petitioner firm purchased land admeasuring Acs.3.00 in survey No.113/2 situated at Yadgarpally village of Keesara Mandal in Ranga Reddy District under registered sale deed dated 05.7.2004 from M/s.Nuage Tanneries Private Limited. It appears that the petitioner's vendor purchased the subject land when the same was brought to sale under Section 29 of Andhra Pradesh State Financial Corporation Act, 1951 (the SFC Act, for short) by the third respondent herein. Be that as it is, the Mandal Revenue Officer, Keesara Mandal (MRO), the second respondent herein, initiated action under the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity), and issued notice to the petitioner's vendor alleging that the land was purchased in contravention of the provisions under Section 3 of the Act. As no explanation was submitted, the MRO issued proceedings under Section 4 of the Act on 27.10.2005 ordering resumption of the land to the Government. In the meanwhile, the petitioner entered into sale transaction and obtained sale deed as well as possession of the land. Having come to know that the MRO ordered resumption of the land in spite of filing the appeal under Section 4 of the Act, the petitioner filed

the present writ petition.

Learned Counsel for the petitioner strenuously contends that the assignment was made prior to 1958 under LAONI Rules and, therefore, the condition of inalienability has no application. He also points out that the petitioner's vendor itself purchased the property in the auction conducted by the third respondent and, therefore, the Act has no application. These contentions are refuted by the learned Government Pleader for Revenue (Assignment).

As rightly pointed out by the learned Government Pleader, Section 4A of the Act provides an effective efficacious alternative remedy where the petitioner can raise all the contentions, which are raised in this writ petition. Whether the subject land is not encumbered by any condition of inalienability or whether the sale by the third respondent under Section 29 of the SFC Act is exempted from the rigour of the provisions of the Act are matters, which necessarily require a deeper enquiry, also involving the appreciation of varied facts. Therefore, it would be better if the petitioner avails remedy of appeal under Section 4 of the Act.

Section 4A of the Act provides right of appeal against the order of the MRO to the jurisdictional Revenue Divisional Officer (RDO) within a period of ninety (90) days from the date of receipt of the order. As the petitioner is a subsequent purchaser, who was in possession of the land, and as he was not given notice under Section 3 of the Act, this Court is of considered opinion that as and when the petitioner filed appeal, notwithstanding the fact that the appeal is filed within the period of limitation, the RDO may entertain the appeal and pass appropriate orders on merits, after giving opportunity to the petitioner. The fact that the petitioner herein is not a party to the proceedings before the MRO does not bar petitioner from availing the remedy of appeal.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

October 18, 2006.
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